

## **REMARKS**

### **The Amendments**

Claims 7 and 8 are amended, as suggested in the Office Action, to address the 35 U.S.C. §112 rejection. The amendments do not narrow the broadest scope of the claims.

It is submitted that the above amendments would put the application in condition for allowance or materially reduce or simplify the issues for appeal. The amendments do not raise new issues or present new matter and do not present additional claims. The amendments have been made to overcome the new 35 U.S.C. §112 rejection and, thus, they were not earlier presented. Accordingly, it is submitted that the requested amendments should be entered.

To the extent that the amendments avoid the prior art or for other reasons related to patentability, competitors are warned that the amendments are not intended to and do not limit the scope of equivalents which may be asserted on subject matter outside the literal scope of any patented claims but not anticipated or rendered obvious by the prior art or otherwise unpatentable to applicants. Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

### **The Rejection under 35 U.S.C. §102**

The rejection of claims 1-9 and 11-13 under 35 U.S.C. §102(e), as being anticipated by Heckmeier (U.S. Patent No. 7,056,561 or US 2003/0234383) is respectfully traversed.

The 35 U.S.C. §102(e) effective date of each of the Heckmeier references is February 6, 2003. Applicants have claimed a priority date from German application No. 10245849.9 of September 30, 2002. A certified copy of the priority document was previously filed and, as noted in the previous Office Action, was received by the PTO. Applicants also previously submitted a verified translation of the priority document for the purpose of perfecting the claim to priority. Upon the Examiner's confirmation of such perfection, both Heckmeier references would be removed from the prior art, in which case the art rejection based thereon should be withdrawn.

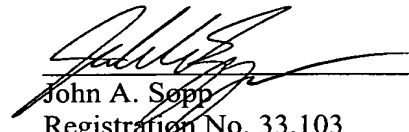
**The Obviousness-type Double Patenting Rejections**

The obviousness-type double patenting rejections over U.S. Patent No. 7,056,561 and copending application Ser. No. 10/792,794 are overcome by the attached terminal disclaimer.

It is submitted that the application is in condition for allowance. But the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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John A. Sopp  
Registration No. 33,103  
Attorney for Applicants

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza I  
2200 Clarendon Blvd. Suite 1400  
Arlington, Virginia 22201  
Telephone: (703)243-6333  
Facsimile: (703) 243-6410  
Attorney Docket No.:

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